

VA Publishes Final Regulation to Aid Veterans Exposed to Agent Orange

VA HEALTH CARE AND BENEFITS PROVIDED FOR MANY VIETNAM VETERANS

WASHINGTON (August 30, 2010) Veterans exposed to herbicides while serving in Vietnam and other areas will have an easier path to access quality health care and qualify for disability compensation under a final regulation that will be published on August 31, 2010 in the Federal Register by the Department of Veterans Affairs (VA). The new rule expands the list of health problems VA will presume to be related to Agent Orange and other herbicide exposures to add two new conditions and expand one existing category of conditions.

"Last October, based on the requirements of the Agent Orange Act of 1991 and the Institute of Medicine's 2008 Update on Agent Orange, I determined that the evidence provided was sufficient to award presumptions of service connection for these three additional diseases," said Secretary of Veterans Affairs Eric K. Shinseki. "It was the right decision, and the President and I are proud to finally provide this group of Veterans the care and benefits they have long deserved."

The final regulation follows Shinseki's determination to expand the list of conditions for which service connection for Vietnam Veterans is presumed. VA is adding Parkinson's disease and ischemic heart disease and expanding chronic lymphocytic leukemia to include all chronic B cell leukemias, such as hairy cell leukemia.

In practical terms, Veterans who served in Vietnam during the war and who have a "presumed" illness don't have to prove an association between their medical problems and their military service. By helping Veterans overcome evidentiary requirements that might otherwise present significant challenges, this "presumption" simplifies and speeds up the application process and ensure that Veterans receive the benefits they deserve.

The Secretary's decision to add these presumptives is based on the latest evidence provided in a 2008 independent study by the Institute of Medicine concerning health problems caused by herbicides like Agent Orange.

Veterans who served in Vietnam anytime during the period beginning January 9, 1962, and ending on May 7, 1975, are presumed to have been exposed to herbicides.

More than 150,000 Veterans are expected to submit Agent Orange claims in the next 12 to 18 months, many of whom are potentially eligible for retroactive disability payments based on past claims. Additionally, VA will review approximately 90,000 previously denied claims by Vietnam Veterans for service connection for these conditions. All those awarded service-connection who are not currently eligible for enrollment into the VA healthcare system will become eligible.

This historic regulation is subject to provisions of the Congressional Review Act that require a 60-day Congressional review period before implementation. After the review period, VA can begin paying benefits for new claims and may award benefits retroactively for earlier periods. For new claims, VA may pay benefits retroactive to the effective date of the regulation or to one year before the date VA receives the application, whichever is later. For pending claims and claims that were previously denied, VA may pay benefits retroactive to the date it received the claim.

VA encourages Vietnam Veterans with these three diseases to submit their applications for access to VA health care and compensation now so the agency can begin development of their claims.

Individuals can go to a website at:

<http://www.vba.va.gov/bln/21/AO/claimherbicide.htm>

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to get an understanding of how to file a claim for presumptive conditions related to herbicide exposure, as well as what evidence is needed by VA to make a decision about disability compensation or survivors benefits.

Additional information about Agent Orange and VA's services for Veterans exposed to the chemical is available at;

www.publichealth.va.gov/exposures/agentorange

<http://www.publichealth.va.gov/exposures/agentorange/>

The regulation is available on the Office of the Federal Register website at <http://www.ofr.gov/>.